

CHARTER  
OF THE CITY OF  
BEDFORD HEIGHTS, OHIO

EDITOR'S NOTE: The Charter of the City of Bedford Heights was approved by the voters in 1951. Dates appearing in parentheses following a heading indicate that the section was amended, enacted or repealed on the date given.

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## CHARTER

## OF THE CITY OF

## BEDFORD HEIGHTS, OHIO

### PREAMBLE

We, the people of Bedford Heights, in the County of Cuyahoga and the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings, to insure to ourselves the full measure of Municipal Home Rule and local self-government granted to us by the Constitution and laws of the State of Ohio, and to promote our common peace, safety and welfare, do ordain and establish this Charter.

### ARTICLE I NAME

#### SECTION 1.01. NAME.

This Municipality now existing in the County of Cuyahoga, State of Ohio, and known as Bedford Heights, shall continue to be a body politic and corporate under the name of the Village of Bedford Heights.

#### SECTION 1.02. VILLAGE AND CITY.

When the Municipality of Bedford Heights shall, under the Constitution and General Laws of the State of Ohio, become a City, it shall be known as the City of Bedford Heights, and wherever in this Charter the word "Village" appears, it shall then be construed to read "City", and the provisions of this Charter shall apply whether this Municipality is a Village or a City.

### ARTICLE II BOUNDARIES, ANNEXATION AND DETACHMENT

#### SECTION 2.01. BOUNDARIES.

The Municipality of Bedford Heights shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the laws of Ohio, and this Charter.

#### SECTION 2.02. ANNEXATION AND DETACHMENT.

No territory shall be detached from or annexed to the Municipality, nor shall the Municipality be annexed to, or merged with any other body politic, nor shall the corporate existence of the Municipality be terminated, without the assent of the majority of the electors of this Municipality voting on such question. Such question shall be submitted to the electors only at a regular general election in such manner as the Council shall by resolution or ordinance prescribe.

### ARTICLE III FORM OF GOVERNMENT

#### SECTION 3.01. FORM.

The elected branch of the government of this Municipality shall consist of a Mayor and Council elected by the electors of the Municipality, and shall possess respectively, the administrative and legislative powers specified in this Charter.

#### ARTICLE IV POWERS

##### SECTION 4.01. POWERS.

The Municipality of Bedford Heights hereby reserves to itself all powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by any municipal corporation of Ohio. Any enumeration herein of specific powers shall not be held to be exclusive.

##### SECTION 4.02. EXERCISE OF POWERS.

The powers of this Municipality may be exercised in the manner prescribed in this Charter; or, if not prescribed herein, in such manner as the Council may prescribe. The powers of this Municipality may also be exercised, except as a contrary intent appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the General Laws of Ohio.

#### ARTICLE V NOMINATIONS, ELECTIONS, QUALIFICATIONS AND REMOVAL

##### SECTION 5.01. NOMINATION PETITIONS.

Nominations for elective officers of this City shall be made only by petition, signed by registered electors of Bedford Heights, as follows:

Mayor	Not less than 200
Council-at- Large	Not less than 100
Ward Council	Not less than 50
Charter Review Commission	Not less than 50

The registered electors for the offices of Mayor, Councilman-at-Large, and Charter Review Commissioner shall be taken from the general electorate of the City but the registered electors for the office of Ward Councilman shall come from the same ward as the Councilman. (Amended Nov. 8, 1983)

##### SECTION 5.02. FILING DATE.

Nominating petitions shall be filed with the election authorities not later than ninety (90) days before the date set for the election.  
(Amended Nov. 5, 1991.)

##### SECTION 5.03. PRIMARY ELECTIONS.

No primary election shall be held for the selection of candidates for any elective office of this Municipality; and no nomination for any such office shall be of any effect unless made as required by Article V of this Charter.

##### SECTION 5.04. BALLOTS.

The ballot used in the election of officers of this Municipality shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the general law of Ohio. Except as otherwise provided in this Charter, the general laws of Ohio shall govern the nomination and election of the elective officers of this municipality.

##### SECTION 5.05. QUALIFICATIONS OF OFFICERS.

Each elective officer of this municipality shall be a qualified elector of this municipality, shall have resided continuously therein not less than two (2) years next preceding the date of his election, and shall continue to reside therein during his term of office. He shall hold no other public office or

employment during his term, incompatible with his elected office, except as otherwise provided in this Charter, and further excepting the office of Notary Public and membership in the Militia or Reserve Corps. The Council shall determine whether any elected officials' other public employment is incompatible with his office in this municipality.

#### SECTION 5.06. FINANCIAL INTEREST.

No officer of this municipality, elective or otherwise, shall have any financial interest in any contract with, or expenditure of money by the Municipality other than his fixed compensation and expenses for traveling. Such interest shall disqualify him from holding office, in addition to other penalties provided by Law.

#### SECTION 5.07. OATH REQUIRED.

Every officer of this Municipality shall, before assuming the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States, the Constitution of the State of Ohio, the Charter, Ordinances and Resolutions of Bedford Heights, and faithfully, honestly and impartially to discharge the duties of the office, and shall give such bond as may be required of him.

#### SECTION 5.08. REMOVAL OF OFFICERS.

Any officer of this municipality shall be subject to removal in such manner as is now or may hereafter be provided by this Charter or the general laws of Ohio. In addition, the Council may remove any officer of the municipality, including Councilmen, for violation of the provisions of Sections 5.05, 5.06 or 5.07, or for failing or ceasing to possess any other qualifications established by this Charter for his office, or for the conviction while in office of a felony or other crime involving moral turpitude.

#### SECTION 5.09. HEARINGS ON CHARGES.

No officer shall be removed from office without the concurrence of five (5) or more members of Council, after public hearing upon the charge or charges brought and provided further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence and examine witnesses appearing in support of such charge or charges.

### ARTICLE VI COUNCIL

#### SECTION 6.01. POWERS.

The legislative power of the municipality, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in the Council.

#### SECTION 6.02. MEMBER AND TERM.

The Council shall consist of seven (7) members, four (4) elected by ward and three (3) elected at large. Each Councilman and Ward Councilman shall be a qualified elector of the Municipality, shall have resided continuously in the Municipality or the ward from which he is elected not less than two (2) years next preceding the date of his election and shall continue to reside therein during his term of office. Any Ward Councilman who moves from his ward and any Councilman who moves from the City shall forfeit his office immediately. The terms of the members of Council shall begin the first day of January next following their election; they shall serve a term of four (4) years or until their successors are chosen and qualified, except that the four (4) Council members to be elected by ward shall be elected at the regular Municipal election in the year 1971, and each four (4) years thereafter and the three (3) Council members to be elected at large shall be elected at the regular Municipal election in the year 1973 and each four (4) years thereafter. (Amended Nov. 3, 1970)

##### SECTION 6.02.1. WARDS AND BOUNDARIES.

Not later than the thirty-first day of December, 2000, based upon the federal census of the year 2000, and thereafter within sixty (60) days after the proclamation by the Secretary of State of Ohio announcing the population of municipalities in Ohio as determined by each recurring federal census, the

Council shall cause the adjustment of the boundaries of the four (4) wards so that following each adjustment, the substantial equality in population of the four (4) wards shall be maintained. City Council may retain such experts as necessary to effectuate the provisions of this section. Each ward shall be composed of contiguous and compact territory bounded by natural boundaries and street lines insofar as the same is practicable to the end that the population of each ward will have representation equal to that of each of the other three (3) wards in the government of the Municipality. The existing ward boundaries shall remain in effect until such time as they are changed pursuant to this Amendment.

**FIRST WARD:** Beginning in the centerline of Miles Road at the northeast corner of the City; thence southerly along an easterly line of the City to a point at the intersection of the centerline of Richmond Road with the centerline of Columbus Road; thence westerly along the centerline of Columbus Road to its intersection with the westerly line of Original Bedford Township Lot No. 38 and being at the intersection of Columbus Road with the old centerline of Bartlett Road; thence northerly along the old centerline of Bartlett Road also being a westerly line of the City to its intersection with the centerline of Rockside Road; thence easterly along the centerline of Rockside Road to its intersection with the centerline of Interstate Route 271; thence northerly along the centerline of Interstate Route 271 to its intersection with the centerline dividing the two (2) main tracks of the Erie Lackawanna Railroad (formerly the Erie Railroad); thence southeasterly along the centerline dividing the two (2) main tracks of the Erie Lackawanna Railroad to its intersection with the easterly line of Original Bedford Township Lot No. 19, being the old centerline of Richmond Road; thence northerly along the easterly line of Original Bedford Township Lot No. 19 and the centerline of Richmond Road to its intersection with the centerline of Miles Road; thence easterly along the centerline of Miles Road to the place of beginning.

**SECOND WARD:** Beginning at the northwesterly corner of the City, said corner also being the northwesterly corner of Original Bedford Township Lot No. 7; thence easterly along the northerly line of the City to its intersection with the centerline of Richmond Road, which point is also known as being the northeasterly corner of Original Bedford Township Lot No. 9; thence southerly along the centerline of Richmond Road and its southerly prolongation which is also known as being the easterly lines of Original Bedford Township Lots Nos. 9 and 19 to the intersection of the easterly line of said Original Lot No. 19 also known as being the centerline of Old Richmond Road with the centerline dividing the two (2) main tracks of the Erie Lackawanna Railroad (formerly the Erie Railroad); thence northwesterly along the centerline dividing the two (2) main tracks of the Erie Lackawanna Railroad to its intersection with the centerline of Interstate Route 271; thence southerly along the centerline of Interstate Route 271 to its intersection with the centerline of Rockside Road; thence westerly along the centerline of Rockside Road to its intersection with the centerline of Bartlett Road; thence northerly along the centerline of Bartlett Road which is also a westerly line of the City to the corner of the City therein, which corner is also known as being the southeasterly corner of Original Bedford Township Lot No. 17; thence westerly along the southerly line of Original Lot No. 17 and a southerly line of the City to the southwest corner thereof being in the centerline of Northfield Road; thence northerly along the centerline of Northfield Road and its northerly prolongation from an angle point therein and a westerly line of the City to the place of beginning.

**THIRD WARD:** Beginning in the centerline of Solon Road at its intersection with the easterly line of the City; thence westerly along the centerline of Solon Road to its intersection with the easterly line of Original Bedford Township Lot No. 59; thence northerly along the easterly line of Original Lot No. 59 and Original Bedford Township Lot No. 49 which is also the easterly line of the Bedford Ridge Estates Subdivision No. 2 and the westerly line of the Holiday Hills Subdivision No. 1 to the northeast corner of said Original Lot No. 49; thence westerly along the northerly lines of Original Bedford Township Lots Nos. 49 and 48, to a corner of the City also being the southwest corner of land conveyed to the Bear Creek Village, Inc.; thence northerly along a westerly line of the City to a point in the centerline of Columbus Road, said point also being a corner of the City; thence easterly along the centerline of Columbus Road to a corner of the City also known as being a northeasterly corner of the Village of Oakwood; thence southerly along an easterly line of the City to the place of beginning.

**FOURTH WARD:** Beginning in the centerline of Forbes Road at a southeasterly corner of the City; thence westerly along the centerline of Forbes Road also being a southerly line of the City to a southwest corner thereof and also being the southwest corner of Original Bedford Township Lot No. 69; thence northerly along a westerly line of the City to a point in the centerline of Solon Road; thence westerly along the centerline of Solon Road to a point therein at a southwest corner of the City; thence northerly along a westerly line of the City to a northwesterly corner thereof and being a point in the northerly line of

Original Bedford Township Lot No. 48; thence easterly along the northerly line of Original Lot No. 48 and the northerly line of Original Bedford Township Lot No. 49 which is also the northerly line of the Bedford Ridge Estates Subdivision Nos. 2 and 3 to the northeasterly corner of said Original Lot No. 49; thence southerly along the easterly line of the Bedford Ridge Estates Subdivision No. 2 and the easterly lines of Original Bedford Township Lots Nos. 49 and 59 to the intersection of the easterly line of Original Lot No. 59 with the centerline of Solon Road; thence easterly along the centerline of Solon Road to its intersection with the easterly line of the City; thence southerly along the easterly line of the City to the place of beginning. (Enacted Nov. 3, 1970)

#### SECTION 6.03. ORGANIZATION.

In January 1960, and in January of each second year thereafter, but not later than the 7th day thereof, the Council shall meet in the Council Chamber and organize. At such organization meeting the Council shall elect by a majority vote of the Council one of the members of Council to serve as the President of Council, and the councilmen members of such boards and commissions, as required by this Charter, each to serve until the next organization meeting unless he shall cease in the meantime to be a member of Council. (Amended November 7, 1995)

#### SECTION 6.04. COUNCIL MEETINGS.

The Council shall hold at least two regular meetings in each calendar month, excepting the months of July and August when any two meetings may be dispensed with.

#### SECTION 6.05. QUORUM.

A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

#### SECTION 6.06. PROCEDURE.

The Council shall, by ordinance, make provision for the following:

1. The time and place of regular meetings of the Council.
2. The method of calling special meetings of the Council.
3. The enforcement of attendance at its meetings and punishment of disorderly conduct thereat.
4. The form and method of enacting ordinances and resolutions, but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title; and no ordinance unless it be declared an emergency measure, shall be passed until it has been read at two separate meetings; and general appropriation ordinances shall be confined to the subject of appropriations. Any ordinance or resolution may be passed after one reading, providing the requirement of readings at two separate meetings be first dispensed with by the concurrence of at least five Councilmen. No ordinance restricting a person's personal liberties shall be passed as an emergency measure.
5. The manner of giving public notice of the enactment and adoption of its ordinances and resolutions, and of any other of its acts or proceedings which it deems proper to publish.
6. Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each councilman shall be entered upon the journal. (Amended June 2, 1981)
7. The advertising and awarding of contracts, in accordance with the amount set forth by the laws of the State of Ohio for public contracts or purchases.  
(Amended November 7, 1995)
8. The procedure for making public improvements and for levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefor, in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.
9. To determine the manner and the place or places for the keeping, preserving and investment of the moneys of the municipality.



10. The employment, if necessary, of expert consultants to advise the municipal officials and employees with respect to municipal problems.

11. Such other general regulations as the Council may deem necessary.  
(Amended June 2, 1981)

#### SECTION 6.07 REMOVAL FROM OFFICE.

A Councilman may be removed from office for the reasons set forth in Section 5.08 of Article V and in addition thereto may be also removed for persistent failure to abide by the rules of Council, or for absence from three (3) consecutive regular meetings of the Council, without such absence being authorized by an affirmative vote of four of the remaining members of the Council; however, any removal must be in accordance with Section 5.09 of Article V.

#### SECTION 6.08 VACANCY.

Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment, by a majority vote of the remaining members of the Council.

If the vacancy is not so filled within thirty (30) days, the Mayor shall fill it by appointment.

The appointee shall hold office for the unexpired term of the member in whose office the vacancy occurred or until a successor to such vacant office is elected and qualified as hereinafter required.

A successor to the vacated council seat shall be elected by the electors of the Municipality in the event the vacancy occurs for the seat of a Councilman-at-Large, or by the electors of the Ward in the event the vacancy occurs for the seat of a Ward Councilman, at the next regular municipal election for such seat provided that:

1. Such election occurs more than two (2) years prior to the expiration of the term of the office vacated; and

2. Such vacancy occurs more than sixty (60) days prior to such election.

In the event there be more than one vacancy to be so filled by election, the same provisions shall apply.

The term of a councilman shall not be lengthened by his resignation and subsequent appointment, but any appointee may be a candidate for such subsequent election.

(Amended June 2, 1981)

#### SECTION 6.09. CLERK OF COUNCIL.

The Council shall appoint a Clerk of Council who shall be:

The Clerk of the Council;

The Secretary of the Planning Commission;

Secretary of the Board of Zoning Appeals;

Secretary of the Civil Service Commission; and

Secretary of such other Boards and Commissions as the Council may establish by ordinance.

He shall keep the records of the Council and of the Boards and Commissions of which he is secretary. He shall authenticate all records, documents and instruments of the Municipality on which authentication is required or proper and for that purpose may have and use a seal.

(Amended November 3, 1987)

#### SECTION 6.09.01. FORMER DESIGNATION OF "CLERK-TREASURER" ABOLISHED.

Wherever in this Charter the designation, title and/or use of the word "Clerk-Treasurer" heretofore appeared, said word "Clerk-Treasurer" is hereby amended and changed to read "Clerk of Council" throughout this Charter, and the former designation, title and/or use of the word "Clerk-Treasurer" is hereby deleted and abolished.

(Amended November 3, 1987)

### ARTICLE VII MAYOR

#### SECTION 7.01. ELECTION OF MAYOR.

The Mayor shall be elected by the popular vote of the electors of the Municipality.

#### SECTION 7.02 TERM OF OFFICE OF THE MAYOR.

The Mayor shall be elected at the regular municipal election in the year 1983, and each fourth year thereafter for a term of four (4) years commencing on the first day of January next following such election. (Amended June 7, 1983)

#### SECTION 7.03. JUDICIAL POWERS OF THE MAYOR.

The Mayor shall have all the judicial powers granted by the laws of Ohio to Mayors of Municipalities.

#### SECTION 7.04. LEGISLATIVE DUTIES OF THE MAYOR.

The Mayor shall preside at all meetings of the Council but shall have no vote therein. The Mayor may, however, introduce ordinances and resolutions, and take part in the discussion on all matters coming before the Council.

#### SECTION 7.05. VETO POWER OF THE MAYOR.

Every ordinance or resolution of the Council shall be attested by the Clerk-Treasurer and promptly presented to the Mayor for consideration before it goes into effect. If the Mayor approves such legislation he shall sign it and file it with the Clerk-Treasurer.

The Mayor may approve or disapprove the whole or any part of any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If he disapproves it or any item of it he shall file it with written notice of the disapproval with the Clerk-Treasurer.

Unless an ordinance or resolution is filed with the Clerk-Treasurer with written notice of disapproval within ten (10) days after its passage by the Council, it shall take effect as though the Mayor had signed it.

When the Mayor has disapproved an ordinance or resolution or item of it as herein provided, the Council may, at its next regular meeting thereafter, reconsider it, and if upon such reconsideration the ordinance, resolution or item is approved by five or more members of the Council, it shall take effect notwithstanding the disapproval of the Mayor.

#### SECTION 7.06. EXECUTIVE AND ADMINISTRATIVE POWERS OF THE MAYOR.

The executive and administrative powers of the Municipality shall be vested in the Mayor, directors of departments and other administrative officers provided for in this Charter or by ordinance.

#### SECTION 7.07. EXECUTIVE AND ADMINISTRATIVE DUTIES OF MAYOR.

The Mayor shall be the chief executive officer of the Municipality. He shall supervise the administration of the Municipality's affairs, and shall exercise control over all departments and divisions thereof, including the establishment and scheduling of the work hours for the officers and employees thereof, except those reserved to the Council or its officers and employees by this Charter.

(Amended November 3, 1987)

##### SECTION 7.07.01. CONSERVATOR OF THE PEACE.

The Mayor shall be the chief conservator of the peace within the Municipality and shall see that all laws and ordinances are enforced therein.

##### SECTION 7.07.02. FINANCIAL DUTIES OF MAYOR.

The Mayor shall be responsible for the preparation and submission to the Council of the annual estimate of receipts and expenditures, and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the Municipality.

##### SECTION 7.07.03. MAYOR SHALL RECOMMEND LEGISLATION.

The Mayor shall recommend to the Council such measures as he deems necessary or expedient.

##### SECTION 7.07.04. MAYOR RESPONSIBLE FOR COMPLIANCE.

The Mayor shall see that all terms and conditions imposed in favor of this Municipality or its inhabitants in any franchise or contract to which this Municipality is a party are faithfully kept and performed.

#### SECTION 7.07.05. APPOINTIVE DUTIES OF MAYOR.

The Mayor shall appoint all officers and employees of the Municipality, except members, officers and employees of the Council, the Clerk-Treasurer and Director of Law and their assistants.

He may appoint Special Legal Counsel to represent the Mayor in his official capacity in those special and temporary circumstances in which the interests and position of the Mayor as head of the administrative branch of the City are adverse to the position of any Boards, Commissions, Council, the Clerk-Treasurer, or the Law Department in any matter, including administrative hearings or civil litigation in which the position of the Law Department is in conflict with that of the Mayor's. In such circumstances Council shall provide and establish a reasonable and customary compensation and appropriate such funds as are necessary for the payment of same as well as any additional necessary and incidental expenses. In all other situations the Mayor shall be represented in his official capacity by the Director of Law.

All persons appointed by the Mayor, except those whose terms of office are fixed by this Charter or by law, may be promoted, transferred, reduced or removed by the Mayor, subject however, to the Civil Service provisions of this Charter.

The foregoing appointive powers of the Mayor may be delegated by him to the directors of any department or to the heads of any division with respect to the officers or employees in the classified service within their respective department or divisions. (Amended Nov. 8, 1983)

#### SECTION 7.07.06. MAYOR TO EXECUTE CONTRACTS.

The Mayor shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. He shall have custody of the seal of the Municipality and may affix it to all of the above mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument.

#### SECTION 7.07.07. CEREMONIAL HEAD.

The Mayor shall be recognized as the official and ceremonial head of the Municipal Government, and by the Governor for military purposes, and by the Courts for the purpose of serving civil processes.

#### SECTION 7.08 ACTING MAYOR.

When the Mayor is absent or inaccessible, or is unable for any cause to perform his duties, the President of Council shall be the Acting Mayor with all rights, powers, and duties of the Mayor, but during such temporary absence, he shall not have the power to veto nor shall he thereby cease to be a Councilman. (Amended November 7, 1995)

#### SECTION 7.09. VACANCY IN OFFICE OF MAYOR.

In the event of the death, resignation, removal, or disqualification of the Mayor, the President of Council shall vacate his office of Councilman and shall become Mayor to serve the unexpired term of the Mayor or until a successor is elected and qualified to fill said vacancy as hereinafter provided.

A successor to the vacated office of Mayor shall be elected by the electors of the Municipality at the next regular municipal election to fill said vacancy for the unexpired term thereof provided that:

1. Such elections occurs more than two (2) years prior to the expiration of the term vacated; and
2. Such vacancy occurs more than sixty (60) days prior to such regular municipal election. (Amended November 7, 1995)

### ARTICLE VIII

#### ADMINISTRATIVE OFFICERS AND DEPARTMENTS

#### SECTION 8.01. GENERAL PROVISIONS.

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Public Works are hereby established by this Charter and Council shall provide by Ordinance for the organization and duties not provided for by this Charter.

(Amended November 5, 1991)

**SECTION 8.01.01. COUNCIL MAY COMBINE, ESTABLISH OR ABOLISH DEPARTMENTS.**

The Council may establish by ordinance additional departments or divisions thereof. With the exception of the Law and Finance Departments, the Council, with the advice and consent of the Mayor, may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to serve in any capacity in two or more departments or divisions. (Amended Nov. 8, 1983)

**SECTION 8.02. DEPARTMENT OF LAW.**

The Department of Law shall be in charge of the Director of Law, appointed by the Council to serve at the pleasure thereof.

The Director of Law shall be duly admitted to the practice of Law in Ohio. He shall be the municipal solicitor and shall have such powers and perform such duties required by ordinance or which are imposed upon municipal solicitors by the general laws of Ohio.

He shall act as legal advisor to, and attorney for, the municipality and for all officers, and boards and commissions of the municipality, and shall represent the municipality, or its officers in their official capacities in any action or proceedings in any court of law and shall perform such other duties as may be required by the Council, except as otherwise provided in this Charter. (Amended Nov. 8, 1983)

**SECTION 8.03. DEPARTMENT OF FINANCE.**

The Department of Finance shall be in charge of the Director of Finance, appointed by the Mayor to serve at the pleasure thereof.

**SECTION 8.03.01. DUTIES OF DIRECTOR OF FINANCE.**

The Director of Finance shall be the fiscal officer of the municipality and shall supervise the keeping of all the financial accounts of the municipality and the several departments and officers thereof. It shall be his duty to keep an account of all taxes and assessments, of all money due to and all receipts and disbursements by the municipality, of all the assets and liabilities of the municipality, and of all appropriations made by the Council. He shall examine and approve, if in proper form and an appropriation has been duly made, payrolls, bills and other claims, and prepare and sign all warrants. He shall assist the Mayor and the Council in the preparation of estimates, budgets and appropriations, and perform all other duties required by this Charter or by ordinance of the Council. All duties related to the division formally known as "Central Purchasing Division" shall be under the charge of the Finance Director. (Amended Nov. 4, 2003.)

**SECTION 8.03.02. DIVISION OF PURCHASES.**

(EDITOR'S NOTE: Former Section 8.03.02 was repealed by the voters on November 4, 2003.)

**SECTION 8.03.03. DIVISION OF TREASURY.**

There shall be in the Department of Finance a Division of the Treasury under the charge of the Director of Finance.

(Amended November 3, 1987)

**SECTION 8.03.04. TREASURY DUTIES OF DIRECTOR OF FINANCE.**

The Director of Finance shall be the collector and custodian of all money of the Municipality in such manner and in place or places and under such terms as the Council shall determine and shall disburse said money upon warrants duly issued, provided that the personnel and operation of the Income Tax Department of the Municipality shall be under the supervision and control of the Director of Finance who shall be the Tax Administrator. The power of appointment of any personnel within the Income Tax Department is vested in the Mayor as the appointing authority.

The Director of Finance shall also receive and disburse all other public money, coming into his hands as Treasurer, in accordance with such regulations as may be prescribed by the authorities having lawful control over such funds, and perform all other duties required by the Charter or by ordinance of Council.

(Amended November 3, 1987)

#### SECTION 8.04. DEPARTMENT OF PUBLIC SAFETY.

The Department of Public Safety shall be in charge of the Director of Safety, appointed by the Mayor to serve at the pleasure thereof.

##### SECTION 8.04.01. DIVISIONS OF DEPARTMENT OF PUBLIC SAFETY.

There shall be in the Department of Public Safety the following divisions:

1. Division of Police.
2. Division of Fire.
3. Division of Building Engineering and Inspection.

##### SECTION 8.04.02. DUTIES OF DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall be the executive head of the Division of Police, Division of Fire and Division of Building Engineering and Inspection, and shall be charged with the duty of enforcing all police, health, safety, sanitary, zoning and building regulations that may be prescribed by the ordinances of the Municipality or the general laws of the State of Ohio.

##### SECTION 8.04.03. DIVISION OF POLICE.

The Division of Police shall consist of a Chief of Police and such other officers, patrolmen and patrolwomen, and personnel as the Council shall deem necessary and advisable, all of whom shall be appointed in accordance with the provisions of this Charter and the Rules and Regulations of the Civil Service Commission.

The Chief of Police shall be appointed by the Mayor from a list of the top three candidates who have successfully passed a Civil Service examination and may be from within the Division of Police and/or from outside of the Division of Police, provided, that in order to be eligible to take a test for the position of Chief of Police, all applicants shall hold or shall have held the position of a police lieutenant or higher in a municipal corporation and shall have served in that capacity beyond any probationary period applicable to that position.

As a condition of appointment, the Chief of Police shall be subject to the residency requirements set forth in Section 9.07 of this Charter.

The Chief of Police shall, upon appointment, serve a probationary period of one year. Upon the termination of his or her service during a probationary period as Chief of Police, he or she shall, if appointed from the Division of Police, revert to the civil service status held by him or her at the time of appointment to the position of Chief of Police. After service of the probationary period, he or she may only be removed from office for cause under Civil Service Rules and Regulations.

(Amended May 3, 1988)

##### SECTION 8.04.04. DIVISION OF FIRE.

The Division of Fire shall consist of a Fire Chief and such other officers, firefighters and personnel as the Council shall deem necessary and advisable, all of whom shall be appointed in accordance with the provisions of this Charter and the Rules and Regulations of the Civil Service Commission.

The Fire Chief shall be appointed by the Mayor from a list of the top three candidates who have successfully passed a Civil Service examination and may be from the Division of Fire and/or from outside of the Division of Fire provided that in order to be eligible to take a test for the position of Fire Chief, all applicants shall hold or shall have held the position of a fire lieutenant or higher in a municipal corporation and shall have served in that capacity beyond any probationary period applicable to that position.

As a condition of appointment, the Fire Chief shall be subject to the residence requirements set forth in Section 9.07 of this Charter.

The Fire Chief shall, upon appointment, serve a probationary period of one year. Upon the termination of his or her service during a probationary period as Fire Chief, he or she shall, if appointed from the Division of Fire, revert to the civil service status held by him or her at the time of appointment to the position of Fire Chief. After service of the probationary period, he or she may only be removed from office for cause under Civil Service Rules and Regulations. (Amended May 3, 1988)

##### SECTION 8.04.05. DIVISION OF BUILDING ENGINEERING AND INSPECTION.

The Division of Building Engineering and Inspection shall consist of a Building Commissioner and such other personnel as the Council shall deem necessary and advisable, all of whom shall be

appointed in accordance with the rules and regulations of the Civil Service Commission and the provisions of this Charter with the exception of the Building Commissioner who shall be appointed by the Mayor with the approval of Council. (Amended June 2, 1981)

#### SECTION 8.04.06. RULES AND REGULATIONS OF DEPARTMENT OF PUBLIC SAFETY.

The Director of Public Safety shall make, publish and adopt written rules and regulations for the government of the Divisions of Police, Fire and Building Engineering and Inspection.

#### SECTION 8.05. DEPARTMENT OF PUBLIC WORKS.

The Department of Water shall be in charge of the Director of Water Reclamation. The Director of Water Reclamation shall be appointed by the Mayor subject to confirmation by the majority of members elected to Council and shall serve at the pleasure of the Mayor.

The Director of the Department of Water Reclamation shall, at the time of the appointment, meet all licensing and certification requirements established by the State of Ohio and/or the federal government for the operation and direction of a municipal wastewater treatment facility.

Any successor Director of Water Reclamation shall possess the qualifications necessary to perform the duties required of the Director of the Department of Water Reclamation. The candidates for this position may be from within the Department of Reclamation or from outside the Department of Water Reclamation.

As a condition of employment, the Director of the Department of Water Reclamation shall reside within a 15-mile radius of the City of Bedford Heights during his or her employment, notwithstanding the exceptions to the residency requirements contained in Section 9.07 of this Charter.

The Director of Water Reclamation shall hold office until retirement, resignation, or until removed by the Mayor. If so removed, he or she shall be entitled, unless the removal is for misfeasance, malfeasance or nonfeasance, to be restored to the highest position in the Department of Water Reclamation held by him or her prior to appointment as Director of Water Reclamation if the appointment came from the ranks of this municipality's Department of Water Reclamation. This provision shall apply to persons appointed to the position of Director of Water Reclamation subsequent to the effective date of this provision.

(Amended November 4, 2003.)

#### SECTION 8.05.01. DUTIES OF THE DIRECTOR OF PUBLIC WORKS.

The Director of the Department of Water Reclamation shall have the following duties:

(a) Manage and administer the Water Reclamation Department and be responsible for the efficient operation of the Wastewater Treatment Plant and Collection System including pump stations and sanitary sewers; act as the municipal contact to both State and Federal Environmental Protection Agencies.

(b) Manage and administer, when established, the municipal utility undertakings of the municipality; promulgate such by-laws and regulations as he/she deems necessary for the safe, economical and efficient management and protection of such utilities, which by-laws and regulations, when approved by Council, shall be enforced as Ordinances if not in conflict with other Ordinances or this Charter or the Constitution of the State of Ohio, and otherwise perform the functions and duties usually performed by boards of public affairs of a municipality except as may be provided otherwise by this Charter.

(c) Maintain compliance with all state and federal requirements governing water treatment facilities.

(d) Such other duties as may be provided by Council in the Administrative Code or as directed by the Mayor.

(Amended November 4, 2003.)

#### SECTION 8.06 DEPARTMENT OF PUBLIC SERVICE.

The Department of Public Service shall be in charge of the Director of Public Service. The Director of Public Service shall be appointed by the Mayor subject to confirmation by the majority of members elected to Council and shall serve at the pleasure of the Mayor.

Any successor Director of the Department of Public Service shall possess the qualifications necessary to perform the duties required of the Director of the Department of Public Service. The candidates for this position may be from within the Department of Public Service or from outside the Department of Public Service.

As a condition of employment, the Director of the Department of Public Service shall reside within a 15-mile radius of the City of Bedford Heights during his or her employment, notwithstanding the exceptions to the residency requirements contained in Section 9.07 of this Charter.  
(Enacted November 4, 2003.)

#### SECTION 8.06.01 DUTIES OF THE DIRECTOR OF PUBLIC SERVICE.

The Director of the Department of Public Service shall have the following duties:

(a) Manage and administer the Department of Public Service and supervise the improvement, maintenance and repair of municipal streets, alleys, lanes, sidewalks, culverts, sewers, ditches, drains, bridges and watercourses; the removal and disposal of rubbish, garbage and refuse, and the lighting and cleaning of streets and other public places.

(b) Supervise the construction and maintenance of public buildings, grounds and other property of the municipality excepting such equipment and supplies used by the Department of Law, Department of Finance, Division of Police, Division of Fire, Division of Building, Engineering and Inspection.

(c) Such other duties as may be provided by the Council in the Administrative Code or as directed by the Mayor.

(d) Except as otherwise provided above, the Director shall have charge of and supervise the maintenance of all municipal equipment and supplies and shall submit to Council and the Mayor an inventory thereof or such other report with respect thereto as either of them may require.

The Director of Public Service shall hold office until retirement, resignation, or until removed by the Mayor. If so removed, he or she shall be entitled, unless the removal is for misfeasance, malfeasance or nonfeasance, to be restored to the highest position in the Department of Public Service held by him or her prior to appointment as Director of Public Service if the appointment came from the ranks of this municipality's Department of Public Service. This provision shall apply to persons appointed to the position of Director of Public Service subsequent to the effective date of this provision.

(Enacted November 4, 2003.)

### ARTICLE IX CIVIL SERVICE

#### SECTION 9.01. CIVIL SERVICE COMMISSION.

A Civil Service Commission is hereby established and shall consist of three electors of the municipality not holding other municipal office, and possessing the same qualifications as candidates for elected office as set forth in Section 5.05 of this Charter, to be appointed by the Council.

##### SECTION 9.01.01. TERMS OF OFFICE.

Civil Service Commissioners shall be appointed for terms of six years, except that the first appointments made, under this Charter, shall be for terms of six years, four years and two years, respectively.

##### SECTION 9.01.02. VACANCY ON COMMISSION.

A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

##### SECTION 9.01.03. REMOVAL OF COMMISSIONER.

A member of the Civil Service Commission may be removed from office for neglect of duty, incapacity, or malfeasance in office, but only in compliance with Section 5.09 of this Charter.

#### SECTION 9.02. DIVISION OF SERVICES.

The Civil Service of this Municipality is hereby divided into the unclassified and classified service.

##### SECTION 9.02.01. UNCLASSIFIED SERVICE.

The unclassified service shall include the following:

1. All officers elected by the people.

2. All directors of departments.
3. The Clerk of Council.
4. The Municipal Engineer.
5. The members of all boards and commissions appointed by the Mayor or Council.
6. Any part-time office or position.
7. Any temporary appointments not to exceed, however, a period of six months.
8. Any emergency appointment not to exceed, however, a period of ninety days.
9. Any employees serving probationary periods provided, however, that when an employee is terminated from a probationary position and the employee had held a civil service position with the City of Bedford Heights at the time of appointment to the probationary position, the employee shall revert back to the civil service position held with the City at the time of appointment.
10. Secretaries to the Mayor and one secretary for each director of a department or head of a division or a department.
11. Up to eight (8) executive assistants, personal aids or clerks to the Mayor and directors of a department provided, however, that there shall be no restrictions as to their duties and assignments.
12. Seasonal employees such as student laborers and summer help.
13. Students enrolled in a recognized college or university in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aids for training purposes without limitation as to assignment or duties.
14. Any office or position determined by the Civil Service Commission to require professional or expert qualifications.
15. Such other positions created by ordinance which, by the terms of the ordinance, are deemed to be in the unclassified service. (Amended May 3, 1988)

#### SECTION 9.02.03. CLASSIFIED SERVICE.

The Classified Service shall comprise all positions or offices not specifically included in the unclassified service.

#### SECTION 9.03. RULES OF COMMISSION.

The Civil Service Commission shall make and adopt all necessary rules and regulations for the creation and duration of promotion and eligible lists, appointment, certification of names of candidates from promotion and eligible lists, promotion, transfer, layoffs, reinstatement, leaves of absence, resignations, supervision, discipline, suspension, reduction, demotions, discharges and removal of persons for all personnel, officers and employees in the classified service.

In any matter where a rule, regulation, order, decision or procedural rule or regulations of the Civil Service Commission conflicts with any provision of the laws, rules or regulations of the State of Ohio, the rule, regulation, order, decision or procedural rule or regulation of the Bedford Heights Civil Service Commission shall prevail over and render null and void the State provision with respect to the City of Bedford Heights. (Amended November 7, 1995)

#### SECTION 9.03.01. PUBLIC HEARING ON RULES.

The Civil Service Commission shall publish in writing any rules, or amendments thereto, set forth in Section 9.03 hereof, and shall hold a public hearing thereon, after reasonable public notice thereof. No such rules or amendments shall become effective until after such public hearing.

#### SECTION 9.04. RULES OF PROCEDURE.

The Commission shall provide rules for standardization and classification of positions, for competitive and non-competitive tests and examinations and credits and grading thereof, for applications, for notices and advertising for positions, for qualifications in meeting reasonable requirements as to positions, for investigating and keeping a record of the efficiency of the personnel in the classified service and for requiring reports relative thereto from appointing authorities, for certification of payrolls, for such other rules and regulations as may be necessary and proper for the enforcement of the merit system, and for appeals from the action of appointing authorities and action of the Commission on any such appeal shall be final.

(Amended November 7, 1995)



#### SECTION 9.05. REPORTS.

The Commission shall report its proceedings to the Mayor or Council upon request but shall not be required to report or divulge any matter, which in its opinion is of a confidential or personal nature respecting any employee in the classified service.

#### SECTION 9.06. AUTOMATIC MEMBERSHIP IN CLASSIFIED SERVICE.

All persons who have been continuously employed in a position, which is included in the classified service herein, for at least thirty days preceding the adoption of this Charter, shall retain such position until discharged, reduced, promoted or transferred in accordance with provisions of this Charter and the rules of the Civil Service Commission.

#### SECTION 9.07. RESIDENCY REQUIREMENT.

With the exception of the directors of each department and their personal aides, all members and employees of the Service and Properties Department, including Wastewater Division, Fire Department and Police Department who were appointed or employed within any such departments after September 21, 1976, as a condition of such employment, appointment, or promotion, shall reside with a 15-mile radius of the City of Bedford Heights during their employment said 15-mile radius shall be measured as fifteen (15) miles from Bedford Heights City Hall to the residence of the employee. Newly hired employees shall have a period of one year from the date of hire to comply with the requirements of this Section.

The provisions of this section shall not apply to any employee who commenced service with the City prior to September 21, 1976, and such employees shall be eligible for promotion without complying to the 15-mile radius requirement.

The employment of any employee required by this section to become and remain a resident within a 15-mile radius of the City shall terminate upon the failure of such member or employee to continually comply with this section. (Amended November 7, 1995)

### ARTICLE X PLANNING COMMISSION

#### SECTION 10.01 ORGANIZATION.

There shall be established a Municipal Planning Commission which shall consist of seven (7) members and shall be composed of the Mayor, who shall be Chairman thereof, one member of the Municipal Council appointed by the Council, one member of the Municipal Council appointed by the Mayor, three electors of the Municipality who shall be appointed by the Council, and one elector of the Municipality who shall be appointed by the Mayor. The electors shall possess the same qualifications as candidates for elected office as set forth in Section 5.05 of this Charter, and not hold any other public office or position in this Municipality.  
(Amended May 8, 1990)

##### SECTION 10.01.01. TERMS OF OFFICE.

The Mayor shall serve on said Planning Commission during the term of his office and the Council members shall serve during a two (2) year period for which they were appointed by the Council or the Mayor. The terms of the four (4) citizen members shall be six years, provided that the terms of citizen members in effect at the time of this amendment shall continue until their successors are duly appointed and the term of the newly appointed citizen member shall be four (4) years for the initial term and for six (6) years thereafter.  
(Amended May 8, 1990)

##### SECTION 10.01.02. VACANCY.

A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

##### SECTION 10.01.03. REMOVAL OF COMMISSIONER.

A member of the Planning Commission may be removed from office for neglect of duty, incapacity, incompetency or malfeasance in office, but only in compliance with Section 5.09 of this Charter.

#### SECTION 10.02. POWERS AND DUTIES.

The Planning Commission shall have the power and duty to consider, recommend or disapprove before any action is taken thereon regarding the following:

1. The plan, design, location, removal, relocation and alteration of any public buildings or structures owned by the public or located on public streets or public property including public and private utilities.
2. The location, relocation, widening, extension and vacation of streets, parkways, playgrounds, and other public places.
3. The approving of plats for the subdivision, consolidation or division of any land.
4. The Zoning of the Municipality for any lawful purpose or purposes.

The Commission shall have such other powers and duties as are now or may hereafter be conferred upon it by ordinance of the Council or the general laws of Ohio.

#### SECTION 10.02.01. PLATTING COMMISSION.

The Planning Commission shall also be the Platting Commission of the Municipality and shall have all the powers and duties conferred upon Platting Commissions or Platting Commissioners by the general laws of Ohio or the Council.

#### SECTION 10.03. TIME LIMITATION.

Any matter referred to the Planning Commission by the Council shall be acted upon by said Commission within sixty (60) days from date of receipt of same by the Commission. If its recommendation or disapproval is not received by the Council within such time allowed, it shall be deemed to have been approved. Council may grant additional time for consideration if the subject matter requires same.

Any matter disapproved by the Planning Commission shall require the affirmative vote of five (5) Council members for approval; otherwise the matter shall be abandoned or returned to the Planning Commission for further study and recommendation.

### ARTICLE XI

#### BOARD OF ZONING AND BUILDING CODE APPEALS

#### SECTION 11.01. BOARD OF ZONING AND BUILDING CODE APPEALS.

The Board of Zoning and Building Code Appeals shall consist of five (5) electors of the Municipality not holding other municipal office, and shall possess the same qualifications as candidates for elected office as set forth in Section 5.05 of this Charter.

Three (3) of said members heretofore appointed by Council under the prior provisions of this Section 11.01 shall continue to be appointed by the Council, and the two (2) additional members provided for by this amended Section 11.01 shall be appointed by the Mayor. (Amended November 3, 1987)

#### SECTION 11.01.01. TERM OF OFFICE.

The terms of the members of the Board of Zoning and Building Code Appeals shall be for six (6) years, from the time of their original appointment, except that the Mayor's original first two (2) appointments, one shall be for a term of three, and one for a term of five years, each to commence on or after January 1, 1988.

(Amended November 3, 1987)

#### SECTION 11.01.02. VACANCY.

A vacancy occurring during the term of any member of the Board of Zoning Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.

#### SECTION 11.01.03. REMOVAL OF BOARD MEMBER.

A member of the Board of Zoning Appeals may be removed from office for neglect of duty, incapacity, incompetency or malfeasance in office, but only in compliance with Section 5.09 of this Charter.

#### SECTION 11.02. POWERS AND DUTIES.

The Board shall have power to hear and determine appeals from refusal of building, zoning, and use permits and to permit exceptions to and variations from the Zoning and Building Code regulations in individual cases as may be required to afford justice and avoid unreasonable hardship to property owners or users in accordance with standards established by Ordinance of Council. The Board shall commence hearing on all matters properly presented within sixty (60) days of filing or request and shall render a decision thereon within one hundred twenty (120) days from such filing unless a longer time is agreed upon between the appellant and the Board.

Any appellant whose request for a variance from or exception to the zoning and building ordinances and regulations has been denied shall have a right of appeal to the Council by filing a written notice of appeal with the Clerk of Council within ten (10) days from the date of the decision of the Board. Council shall, by ordinance, establish procedures for such appeal and shall have the power to affirm, modify or overrule the decision of the Board. All other rulings and decisions of the Board shall be final.

Public notice shall be given of hearing on any appeal by the posting of a notice in the main entrance of the Municipal Building for a period of at least fourteen (14) days and a written notice of exceptions to and variances to be considered by the Board and the hearings thereon shall be given to the following adjacent, contiguous, and nearby property owners:

1. All contiguous property owners.
2. In the event the property in issue faces a street on any or all sides, the next two (2) properties adjacent on each side facing said street; and the three (3) properties nearest across said street or streets; and the three (3) properties nearest to the rear lot line of said property in issue.

(Amended November 6, 1990)

#### SECTION 11.02.01. RULES OF PROCEDURE.

The Board may adopt such rules of procedure as it deems advisable to accomplish its duties and protect its powers in accordance with this Charter and the ordinances of Council.

### ARTICLE XII

#### INITIATIVE, REFERENDUM AND RECALL

#### SECTION 12.01. INITIATIVE.

The electors of the Municipality shall have the power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. No ordinance or other measure so proposed shall operate to amend this Charter.

#### SECTION 12.01.01. PROCEDURE FOR INITIATIVE.

An initiated ordinance or resolution may be submitted to the Clerk of Council by petition signed by such number of registered electors of the municipality as shall equal at least ten percent (10%) of the total number of voters registered to vote in the last general municipal election.

(Amended November 4, 2003.)

#### SECTION 12.01.02. REFERRED TO COMMITTEE.

The Clerk-Treasurer shall within twenty (20) days from the date of filing of such petition, determine the sufficiency of the petition and if found sufficient, the Council shall at the next regular meeting have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole.

The Committee shall report its recommendations on the proposed ordinance or resolution to the Council not later than forty-five (45) days following the date on which the proposed ordinance or resolution was submitted to the Council by the Clerk-Treasurer.

#### SECTION 12.01.03. IF COUNCIL FAILS TO ACT.

If the Council fails to or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the Petitioners' Committee may require that it be submitted to a vote of the electors by filing with the Clerk-Treasurer a demand in writing within twenty (20) days after the final action on such ordinance or resolution by the Council. Said demand may fix the date of the election, not less than sixty (60) days from the filing of said demand. The Council shall thereupon provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election occurring more than sixty (60) days from the filing of such demand, if no date be so fixed therein.

(Amended Nov. 8, 1983)

#### SECTION 12.02. REFERENDUM.

The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided.

##### SECTION 12.02.01. PROCEDURE FOR REFERENDUM.

Within thirty (30) days after the final passage by the Council of an ordinance or resolution, a petition signed by such number of registered electors of the municipality as shall equal at least ten percent (10%) of the total number of voters registered to vote in the last general municipal election may be filed with the Clerk of Council, requesting that such ordinance or resolution be repealed. (Amended November 4, 2003.)

##### SECTION 12.02.02. REFERRED TO COMMITTEE.

The Clerk-Treasurer shall within twenty (20) days from the date of filing such petition determine the sufficiency thereof, and if found sufficient, the Council shall at the next regular meeting have the request read and referred to an appropriate committee which may be a committee of the whole.

The committee shall report its recommendations on the request to the Council not later than forty-five (45) days following the date on which the petition was certified as sufficient to the Council by the Clerk-Treasurer.

##### SECTION 12.02.03. IF COUNCIL FAILS TO ACT.

If the Council fails to repeal such ordinance or resolution, the Petitioners' Committee may require that said request be submitted to a vote of the electors by filing with the Clerk-Treasurer a demand in writing within twenty (20) days after final action of Council on said request. Said demand may fix the date of the election, not less than sixty (60) days from the filing of said demand. The Council shall thereupon provide for the submitting of such request for repeal to the vote of the electors at the date so fixed, or at the next general election occurring more than sixty (60) days from the filing of such demand, if no date be so fixed therein.

(Amended Nov. 8, 1983)

##### SECTION 12.02.04. SUSPENSION.

No ordinance or resolution upon which a referendum is requested shall go into effect, unless it be an emergency ordinance or resolution, until the referendum action thereon fails or is abandoned or until approved by a majority of those voting thereon.

##### SECTION 12.02.05. MEASURES SUBJECT TO REFERENDUM.

When the Council, by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provision shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto.

Ordinances and resolutions providing for the annual tax levy or for improvements petitioned for by the owners of a majority of the feet front or a majority of the owners in interest of the property benefitted and to be specially assessed therefor; and appropriation ordinances limited to the subject to appropriations, shall not be subject to referendum, but all other ordinances and resolutions, including emergency ordinances shall be subject to referendum.

Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.

#### SECTION 12.02.06. EFFECT OF REFERENDUM ON EMERGENCY MEASURES.

Emergency ordinances and resolutions shall go into effect at the time indicated therein notwithstanding that a referendum may be filed against them.

If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as of the date of the certification of the vote thereon, but such measure shall be deemed sufficient authority for payment, in accordance with the measure, of any expense incurred previous to the referendum vote thereon.

#### SECTION 12.03. RECALL.

The electors shall have the power to remove from office, by recall election, any elective officer of the Municipality at any time after an elective officer has held office for six (6) months of the term for which he was chosen.

##### SECTION 12.03.01. METHOD OF RECALL.

A petition demanding the removal of any elective officer and the election of a successor to his/her office may be filed with the Clerk of Council.

Such petition shall comply with the provisions of Section 12.04 and 12.04.01 of this Charter, and shall be signed by such number of registered electors of the municipality as shall equal at least twenty-five percent (25%) of the total number of voters registered to vote in the last general municipal election and in the case of a ward Council member at least twenty-five percent (25%) of the total number of voters registered to vote in such ward at the last preceding general municipal election.

Within twenty (20) days from the date of filing such petition, the Clerk of Council shall determine the sufficiency thereof. If the Clerk of Council shall find the petition insufficient, he/she shall promptly certify the particulars in which the petition is defective and deliver a copy of his/her certificate to the person who filed the petition with him/her, and such person shall be allowed twenty (20) days from the delivery of such copy of certificate in which to make the petition sufficient.

If the Clerk of Council shall find the petition sufficient, he/she shall promptly so certify to the Council and to the officer whose removal is sought, and, if the officer does not resign within five (5) days thereafter, the Council shall thereupon order and fix a day for holding a recall election, not less than forty (40) days nor more than sixty (60) days from the date of the Clerk of Council's certificate of sufficiency.

At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?", with provisions being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast at such election shall be voted negatively, such officer shall be considered as removed, the office shall be declared vacant and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

(Amended November 4, 2003.)

#### SECTION 12.04. PETITIONS.

An initiative, referendum, or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or objectionable ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal.

Each separate part of said petition shall be either printed or typewritten and shall bear the names of at least five (5) registered electors who shall be officially regarded as filing the petition and shall constitute the Petitioners' Committee for the purpose named therein; and each separate part shall bear an affidavit sworn to by the circulator thereof stating the number of signers to such part of the petition, and that each signature thereon is the genuine signature of the person whose name it purports to be and was subscribed in the presence of the affiant.

(Amended November 4, 2003.)

#### SECTION 12.04.01. PETITION SIGNATURES.

Each signer of a petition referred to in Section 12.04 of this Charter shall sign his/her name in ink or indelible pencil and shall place on the petition paper after his/her name, his/her place of residence by street and number.

(Amended November 4, 2003.)

### ARTICLE XIII

#### GENERAL PROVISIONS

#### SECTION 13.01. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.

Ordinance for the appropriation of money and those providing for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front feet front of the property benefitted and to be specially assessed therefor, and emergency measures necessary for the immediate preservation of the public peace, health or safety shall take effect at the time stated therein, upon their signature by the Mayor, or the expiration of the time within which they may be vetoed, or their passage after veto as the case may be, provided that in the case of emergency measures the reasons for the necessity for emergency action shall be set forth in the ordinance or resolution.

Such emergency measures shall require a vote of at least five (5) members of the Council for their enactment unless this requirement is first waived by a vote of at least five (5) members of the Council.

No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council and approval of the Mayor, or thirty (30) days after the time within which they may be vetoed, or until thirty (30) days after their passage after veto as the case may be.

No action of the Council in authorizing any change in the boundaries of the Municipality or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipality owned or not, shall be taken as an emergency measure.

#### SECTION 13.02. COMMISSIONS AND BOARDS.

The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public fund or for any proper municipal purpose.

A member of any commission or board established by this Charter or by the Council in conformity with this section, shall be deemed an officer of this Municipality within the meaning of this Charter.

#### SECTION 13.03. CONTRACTS AND PURCHASES.

##### Public Bidding Requirement.

No contract or purchase made on behalf of the Municipality exceeding the amount established by the laws of the State of Ohio for public contracts or purchases shall be made except with the lowest responsible bidder as determined by Council after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the Municipality; provided, that Council may establish, by ordinance, a more restrictive limitation than set by State law and such additional requirements it may deem proper to insure competitive contracts and purchases.

##### Waiver of Requirement.

The Council may authorize expenditures exceeding the State limitation without public advertising in the following specific cases; acquisition of real estate; discharge of noncontractual claims against the Municipality; for personal services; for joint use of facilities with other political subdivisions; and for the products or services of public utilities; provided, that Council may authorize a purchase or contract involving an expenditure of more than the State limitation without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists, that to delay such contract or purchases would result in loss or hardship to the Municipality or its inhabitants, and sets forth the nature of the emergency in its resolution or ordinance.

(Amended May 8, 1990)

#### SECTION 13.04. FRANCHISES.

The Council may by ordinance grant permission to any person, firm, or corporation to construct and operate a public utility, or a portion thereof, on, across, under or above any public street or ground within the Municipality for a period not in excess of twenty-five (25) years.

The Council may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it deems conducive to the public interest.

Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and grounds, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

#### SECTION 13.05. SALARIES AND BONDS.

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Municipality. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties in such amount as it may determine and with such surety as it may approve, and may provide that the premium for any such bond be paid by the Municipality.

Upon the effective date of passage of this amendment Council shall, by ordinance, determine and fix the salary or compensation for elected and appointed officials under the authority of Article XVIII, Section 3, of the Ohio Constitution.

For each absence of the Councilman from a regular meeting of Council, unless authorized by the affirmative vote of at least four other members thereof, there shall be deducted a sum equal to two percent (2%) of the annual salary of such Councilman.

Persons filling vacancies for the unexpired terms of elective officers shall receive the compensation theretofore fixed for such elective office.

The compensation of officers and employees may be fixed and changed at any time in the discretion of the Council.

All fees pertaining to any office shall be paid into the municipal treasury with the exception of notary public fees, fees collected by registrar or deputy registrar, fees of the Mayor for solemnizing marriages and authenticating documents other than those of the Municipality.

(Amended May 8, 1984)

#### SECTION 13.06. PENSIONS AND RELIEF FUNDS.

The Council shall provide by ordinance for the establishment and maintenance of a police pension and relief fund and such other pension, relief and retirement funds provided for by the general laws of the State of Ohio.

#### SECTION 13.07. LIMITATION ON THE RATE OF TAXATION.

The aggregate amount of taxes that may be levied by the taxing authority of the Municipality without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all purposes of the Municipality, shall not in any one year exceed eight (8) mills for each dollar of assessed valuation, outside of the limitation imposed by the constitution and statutes of the State of Ohio.

Of said total maximum levy, an amount shall annually be levied sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the Municipality heretofore or hereafter authorized to be issued without the authority of the electors, which levy shall be placed before and in preference to all other levies and for the full amount thereof.

Of the remaining portion of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts required by law for police and firemen's pensions; and the balance thereof, but not to exceed seven and four-tenths (7.4) mills, may be levied annually for the purpose of paying the current operating expenses of the Municipality.

##### SECTION 13.07.01. LEVY FOR FIRE PROTECTION.

The taxing authority of the Municipality may, without a vote of the people, levy taxes on the tax duplicate for the year 1961 and each year thereafter at a rate not exceeding in any one year three (3) mills for each one dollar of assessed valuation for the sole purpose of operating, equipping and housing the Municipality's own Division of Fire, which taxes shall be outside the limitations imposed by the constitution and statutes of the State of Ohio or by Section 13.07 of the Charter and shall, together with the taxes authorized by said Section 13.07, constitute the maximum amount of taxes which may be levied for all purposes of the Municipality without a vote of the people. The levy of taxes pursuant to this section shall not prejudice the right of the taxing authority to use funds from other taxes or available sources for fire protection purposes.

This section shall take effect and be in force upon its approval by a majority of the electors of the Municipality voting thereon.  
(Amended Nov. 7, 1961)

#### SECTION 13.07.02. LEVY FOR STREET REPAIR AND MAINTENANCE.

For the temporary period of ten years, commencing with the tax list and duplicate for the year 1994, through and including the tax list and duplicate for the year 2003, the Council of the Municipality may levy in each of said years, without a vote of the people, a tax in an amount not to exceed in each such year two (2) mills per dollar of assessed valuation upon all property in the Municipality assessed and listed for taxation according to value restricted solely for the purpose of providing funds to pay costs to repave, repair, upgrade and maintain City streets and for no other purpose. The amount of taxes in each year so levied pursuant to this Section shall not be subject to the limitations on the rate of taxation provided in this Charter and shall be in addition to any taxes levied by Council pursuant to any provision of this Charter or the general laws of the State of Ohio. (Amended November 8, 1994.)

#### SECTION 13.08. PRINTING AND PUBLISHING REPORTS.

The Council may authorize the printing, publishing and distributing of financial reports and such other reports of general interest of the municipality, at the expense of the municipality; providing however that such reports shall be factual only, and do not express an opinion or doctrine or promote any person, position, group of persons, or any idea, theory or viewpoint of a political or controversial nature.

### ARTICLE XIV

#### MISCELLANEOUS PROVISIONS

#### SECTION 14.01. AMENDMENTS.

The Council may, by vote of at least five (5) of its members, submit to the electors of the municipality of Bedford Heights amendments to this Charter, or upon petition signed by ten percent (10%) of the registered electors of this municipality setting forth any proposed amendment, such proposed amendment shall be so submitted to the electors by the Council.

The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of the State of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority shall become a part of this Charter.

#### SECTION 14.01.01 CHARTER REVIEW COMMISSION.

At the General Election in November 2007, and every four (4) years thereafter, there shall be elected a Commission of nine (9) qualified electors of the Municipality to be known as the Charter Review Commission. Nomination and election of members to the Charter Review Commission shall be made as contained in Article V of this Charter. In the event that an elected Charter Review Commission member resigns or is otherwise unable to assume the duties of Charter Review Commission member or in the event that a vacancy occurs for any other reason, the vacancy shall be filled by the candidate certified by the Cuyahoga County Board of Elections as having received the next highest vote total at that election. In the event that no such candidate exists, such vacancy shall be filled by appointment by a vote of the majority of the members elected to City Council.



At least thirty (30) days prior to the filing deadline for the elected positions of Charter Review Commission Members, public notice of such filing deadline shall be posted by the Clerk of Council in a conspicuous location in the Bedford Heights City Hall Building, the community center building and shall, in addition, be published in a newspaper of general circulation within the City. Should a City Calendar be prepared and distributed in the year in which such election for Charter Review Commission is to occur, the filing deadline for such election shall be noted therein.

Such Commission shall review and recommend to Council, not less than ninety (90) days prior to the next November election, any alterations, revisions, and amendments to this Charter as, in its judgment, seem advisable. They must have an organizational meeting within thirty (30) days from their election and shall meet twice monthly thereafter with additional meetings as necessary until such time as said Commission has completed their review and recommendations to Council. They may appoint their own Special Legal Counsel and Commission Secretary for the purposes of the Commission's duties, and Council shall provide and establish a reasonable and customary compensation therefor and appropriate such funds as are necessary for the payment of same as well as any additional necessary and incidental expenses. The Clerk of Council shall be the custodian of all records and documents of all Charter Review Commissions, and shall notify the Board of Elections at least ninety (90) days prior to a scheduled Charter Review Commission election that such election should be included in the November General Election ballot issues for the year as set forth in this Charter.

The Council shall submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the next regular November election.  
(Amended November 4, 2003.)

#### SECTION 14.02. WHEN CHARTER TAKES EFFECT.

For the purpose of nominating and electing officers of this municipality and fixing the compensation of those elected in 1959, this Charter shall be in effect from and after the time of its approval by the electors of this municipality; and for all other purposes it shall be in effect on and after the first day of January, 1960.

#### SECTION 14.03. SAVING CLAUSE.

If any section or part of a section of this Charter shall be held to be invalid or unconstitutional by a Court of competent jurisdiction, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

#### SECTION 14.04. EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS.

This Charter shall not affect any preexisting rights or accrued liabilities of the municipality of Bedford Heights, nor any right or liability in any pending suit or prosecution either on behalf of or against the municipality, nor any contract heretofore entered into by the municipality, nor any franchise heretofore granted by the municipality, nor any prior or pending proceeding for the authorization of public improvements or the levy of assessments therefor. Except as a contrary interest appears herein, all acts of the Council of the municipality in effect as of December 31, 1959, shall continue thereafter in effect until lawfully amended or repealed.

#### SECTION 14.05. INTERPRETATION OF CHARTER.

The Article, Section headings and Sub-section headings have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

#### SECTION 14.06. GENDER-NEUTRAL LANGUAGE DESIGNATIONS.

Whenever a section of this Charter makes reference to the gender of a person, the language of each such section shall be constructed and interpreted to include both genders so as to render the language of this Charter gender-neutral. All legislation, amendments to the Codified Ordinances, and any amendments made to this Charter shall henceforth contain gender-neutral language. (Enacted Nov. 2, 1999.)